

## Weekly OCII and SFDPH Conference Call Talking Points

12:15 pm-1:00 pm, Telephone

**Ex. 6 Personal Privacy (PP)**

October 4, 2021 | Internal Use Only

<u>San Francisco Department of Public Health</u> <ul style="list-style-type: none"><li>- Amy Brownell, Hunters Point Lead</li><li>- Patrick Fosdahl, Director Environmental Health</li></ul>	<u>Office of Community Investment and Infrastructure</u> <ul style="list-style-type: none"><li>- Kasheica McKinney, Hunters Point Project Manager</li></ul>
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### Next Meeting

The next meeting is scheduled for November 9.

**Today's Participants** – Yolanda, Amy, Kasheica, Patrick, and Wayne

### Communications/Meetings

#### • **Media:**

- Navy's timely topic on strontium-90 and the Navy started the discussion it would retest the samples.

#### • **Community events/interest:**

- Application for a preliminary injunction to halt development on Parcel A – any news from the court date set for July 29? No news?
- **SFDPH conversation follow-up** – SFDPH wanted to hear from EPA on strontium-90 and other messages to carry back to upper management and briefed the Mayor (Naveena) and OCII (Sally Oerth), followed by a meeting with the Navy. Raised concerns about the data not being shared with the public. The Navy pushed out the timely topic recently and planning a “full update” or “more details” during the October HPS CAC meeting.
- **Env & Reuse Subcommittee of HPS CAC** – Navy plans to present on October 25.
- **Elective radiological sampling at Parcel A** – I understand there is an HPS CAC meeting last month, which includes an update on the selective soil sampling work. Block 56 has already been sampled and are being analyzed. The HPS CAC presentation is on an additional separate block.
- **Elective radiological screening on Parcel A** – Is there an update on the fieldwork to perform the elective radiological testing on Block 56 (affordable housing site)?
- **Complaints about site access to HPNS:** Dr. Sumchai recently sent a letter to the Navy about site access. We have had some ongoing requests for the Navy to communicate its site security program. Last month, Kasheica mentioned the Navy might be working with Five-Point on trying to strengthen the security, such as 100% badge check, and a notice would be sent out to the tenants. Navy did respond to Dr. Sumchai last month, noting “the entirety of Parcel E-2 is fenced... signs are posted along perimeter fences as a warning, and as a deterrent to trespassing (and regular security patrols). While these signs are sometimes stolen, we are increasing our efforts to keep them in place and replace them when necessary... unfortunately... trespassers choose to illegally cut the fence and gain access to this property.”
- **Title VI complaint against SFDPH and BAAQMD on dust issues at Parcel A** – The complaint against SFDPH has been dismissed; the complaint against BAAQMD has been accepted for further investigation.

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BAAQMD and EPA are working together on a plan for BAAQMD to make programmatic changes to meet nondiscrimination program requirements. EPA's "preliminary findings" letter to this complaint sent in June, concluded:

- There is insufficient evidence to support a finding that BAAQMD discriminated in its response to the air quality complaint.
  - BAAQMD is not meeting its longstanding legal obligations with respect to nondiscrimination program requirements, such as having in place nondiscrimination safeguards and ensuring meaningful access to its services, activities, and programs, including the public participation program, for people with limited English proficiency and people with disabilities.
- Questions about access to Candlestick Park – *Hip Hop for Change* recently met with EPA's Office of EJ and described concerns about the BVHP community's access to this park (resource). Future event? Kasheica mentioned this is a state park and the city may not have much access.
- Navy's meeting with the SF Shipyard residents' group –
- Urine Screening: OCII was asked to respond to Dr. S' last email (9/4/2021) to the Navy.
- EPA/Navy letters community involvement: In August 2020, EPA wrote a letter to the Navy asking them to do a comprehensive evaluation of its community outreach and involvement program. In November 2020, the Navy committed to do this. Last month, we heard from the Navy they were doing a CIP update that would include this evaluation, and I pushed back as it is unclear how a CIP update would meet this commitment. Last week, Derek sent me a document that I expect is a work plan for this work.
- *Never Surrender: The Fight for EJ in BVHP*: There was another showing of the documentary on March 16, which included a panel (BVHP's Michele Pierce was a panelist).
- Meeting with AA Carlton Waterhouse and members of the public on radiological building RGs – Waterhouse hosted a listening session with PEER, Committee to Bridge the Gap, Michele Pierce, Kim Rhoads, and other local professors. He committed EPA to respond to the concerns raised at the meeting (there were six "asks" of EPA). Last week, we sent a response to the first "ask" about meaningful community involvement. He also committed to personally connect with the Navy about this topic. Next week, we will respond to the second "ask" about the radiological cleanup levels for soil (institutional controls, prop.P, and use of BPRG Calculator) and an "ask" about EPA oversight failures.
- BVHP Family Histories Study – Amy called the number to get a copy of the flyer.
- Congressional interest: Letter from Mayor's office to Feinstein's office sent this summer asking for no more major project delays and ensure the project has adequate funding. Will there be a follow-up from the Mayor's office?
- FOIA: Our site attorneys are working on two new FOIAs from Public Employees for Environmental Responsibility (PEER). The first is on the submarine piers and marine pins background numbers, and it appears the Navy also received a request. The second one is on the RGs for buildings. PEER has filed a complaint (lawsuit) about our inability to provide a quick response.
- SF Supervisors: We will probably reach out to Supervisor Walton later this month when we are ready to respond to the Navy's latest RESRAD runs.
- BAAQMD agencies convening on Sept 29 – Yolanda provided a brief summary of the meeting, including that Grant Colfax SFDPH and Sarah Owens (Mayor's office) attended, as well as Supervisor Walton.

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**Parcel E and Asbestos-containing material (ACM):** In late 2020, the Navy shared it had stopped work at Parcel E, because of suspected ACM. They are continuing to analyze the situation and we expect an update soon. Recently, DTSC sent a letter to the Navy and EPA also responded with support on the issues raised. *The Navy hasn't scheduled a meeting on this topic.*

**IR10 Building Letter from EPA:** In May, the Navy requested an extension to the RAWP and Karen responded with a letter expressing concern about plans to take away the SVE system near Building 123. Amy has asked EPA to retract the letter "to remove the assertions from the public record since the RAWP document hasn't been issued so there isn't any basis for the assertions." From the public perception issue, Amy is concerned about premature concerns raised (the RAWP hasn't happened).

- What do you mean by the "public record"? via a FOIA or information request.
- Perhaps a conversation is a better approach.

### OCII talk with Carlton?

- **Setup a meeting to present the redevelopment plans. Recent 2018 project updates online.**
- **Presentation?**

**Parcel G Building RGs Long-term Protectiveness Evaluation:** Next Monday, Enrique, Laura, DTSC, and CDPH will meet again to discuss the ongoing informal dispute between the Navy and EPA on the radiological remediation goals for buildings.

- o Last month, the Navy moved to finalize the FYR addendum on buildings. Navy claims this is an over-the-shoulder review and wanted EPA to focus on other things.
- o The Navy's April deliverable attempted to address concerns EPA raised in our August 2020 letter. We responded and the Navy replied with three suggestions. Over the summer, we continued to meet with the Navy's technical team. We are optimistic about the information we are learning that most of the RGs are in the risk range. Although, there is some work left to do about the ingestion (removable fraction).
- o We responded at the August meeting, suggesting the best approach is for the Navy validate some of the risk assessment assumptions once in the field, and the Navy committed to providing a proposal to do this. Instead, the Navy has made some verbal commitments about maximum detection concentrations and reiterated language in its workplan. EPA had a discussion with the City about the size of residential units and the chance of residential units being built on current, onsite buildings. What about if there was a restriction on buildings for residential and the buildings are demolished – what about the debris disposal?
- o In March, there had been discussion on concerns about using onsite buildings to establish background reference building. The Navy expressed an openness to use an offsite building that would be of similar vintage (1940s-50s) with similar building materials (sheet rock, wood, metals, etc.).
- o In April, we discussed whether demolishing the buildings prior to transfer should be a discussion at an upcoming Transfers meeting. In our back-and-forth emails with the Navy over the following three months, the Navy noted it would cost \$300 million to demolish the buildings. A long time ago, there were discussions about the developer demolishing the buildings prior to transfer; however, it is a different environment now? Should this be a topic of discussion at the Transfers meeting (June)?

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- We continue to encourage the Navy to send the requested information to substantiate the claims of background levels and technical impracticability of implementing the numbers EPA shared in August. The Navy shared some information, which we find deficient to answer these important questions.
- We haven't seen an example of the use of RESRAD for potentially radiologically-contaminated buildings to be determined appropriate for residential use. We really need to ensure the tools properly model exposure pathways for a child in a residential yard. Last month, Kasheica mentioned the developers asking how the conversation is moving forward.

**Parcel G radiological retesting soil fieldwork:** In May, the Navy resumed fieldwork after being on pause since December, and EPA has begun our field oversight and split sampling, alongside the state. Phase 1 is on pace to be completed in January (previous estimates were Fall 2021). The Navy has extended the start date for Phase 2 from November 2021 to February 2022.

- **Strontium-90.** The sampling results from Parcel G are presenting Strontium-90 and the Navy hasn't provided an adequate justification for these results being background levels.
  - The Navy announced it will go back and analyze previous samples. Then, we will have two sets of data (new and old). The new data would be better quality, but we haven't seen any reasons to discard old data. We have concerns about the Navy using language to discredit the old data. The Navy needs to demonstrate there is some reason not to use the old data, if it wishes to disregard it (CDPH seems to agree with this position). CDPH assisted in pointing the Navy to a more precise laboratory method. We have asked the Navy to provide information upfront on how it plans to compare the two sets of data.
    - If the Navy is using a method that more "accurately screens and test" that will give you "more quality data" then "what would be the reason to keep the previous data?" What is the benefit of keeping previous data? We need to weigh giving people quality information and accurate information and avoid confusion. Wayne: The challenge I see is the Navy has not provided any reasoning for if there is anything wrong with the data. With any laboratory analysis, there are choices you can make that can put more time/effort in how you can do the analysis to get a more precise result. "It gives the appearance the Navy is shopping for a better result."
    - Thoughts on communicating this? What are the laboratory methods change? What makes it more precise? Is radiation emanating?
    - We don't know what the new results will show. If the results come out different, and we cannot identify why they are different – that will be a challenging situation.
    - The changes the Navy is making is to reduce the uncertainty of the measurements.
    - The Work Plan asks the Navy to compare the single results with the remediation goal, and it didn't account for the uncertainty.
    - More information, not necessarily new information.
  - Based on the background study, we didn't expect to see strontium-90 detections. (For example, there were no detections of strontium-90 in over 200 background samples.)
  - Strontium-90 is presenting in 10% of the sampling results. (Remember the Navy is only analyzing 10% of the total samples for strontium-90 and a few other radionuclides.)
  - However, there have been a few of recent samples that appear to above the cleanup goal.
  - The bottom-line question is whether these results will trigger 100% excavation of the soil in Phase 2.

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- The Navy sent a tech memo in early July, and we believe the Navy is working on providing additional information.
  - How will the Navy present this at the October HPS CAC meeting?
  - OCII is confused on why the Navy doesn't get to go back and look at old data.
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- Communicating schedule of radiological retesting to the public. In January, we asked the Navy to provide a consistent mechanism for updates to the public on the schedule. Any thoughts?
  - Dust management and air monitoring: We continue to pay close attention to the Navy's implementation of its dust management and air monitoring plan. Although we have raised concerns on how the Navy is publicly sharing the data and urged the Navy to get appropriate meteorological equipment. Since September we continue to ask the Navy to obtain professional meteorological equipment (or stop the practice of subtracting upwind measurements). We have also pointed out where they are subtracting upwind measurements on low wind speed days, which is not the appropriate implementation of the Work Plan.

Parcel D-1 ROD Amendment and LUC RD: Earlier this year, the Navy agreed this post-ROD change for Parcel D-1 will be a ROD Amendment. This will create a public participation process, and we are unclear on the timing and the plan of this. What are the city's thoughts on the public participation process of this ROD Amendment?